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**REMARKS/ARGUMENTS**

Claims 1-24 remain in the application.

Claims 10-15 and 18-20 are currently amended.

Claims 1-9 are currently cancelled.

Claim 25 is newly presented.

10 **Claim Objections**

Claim 1 was objected to as failing to provide antecedent basis for “the support member surfaces.” Claim 1 is herein cancelled, whereby the objection is made moot.

**Claim Rejections Under 35 USC § 102**

Claims 1 and 2 were rejected under 35 USC § 102(b) over US Patent 5,988,173 to Scruggs.

15 Claims 1 and 2 are herein cancelled, whereby the rejections are made moot.

Claims 1, 4, 9 and 14-18 were rejected under 35 USC § 102(b) over US Patent 4,555,128 to White, et al.

Claims 1, 4, 9 and 14-18 are herein cancelled, whereby the rejections are made moot.

20 Claims 1, 2, 4 and 9 are herein cancelled, whereby the rejections as to these claims are made moot.

Claims 14-18 are amended to depend from now allowable amended claim 19, whereby the rejections as to these claims is believed to be overcome.

**Claim Rejections Under 35 USC § 103**

25 Claims 1, 5, 7-10, 12 and 20-23 were rejected under 35 USC § 103(a) over US Patent 2,807,908 to Lykes in view of US Patent 5,722,691 to Patel.

Claims 6, 11 and 24 were also rejected under 35 USC § 103(a) over US Patent 2,807,908 to Lykes in view of US Patent 5,722,691 to Patel.

Claims 1, 5, 6 and 7-9 are herein cancelled, whereby the rejections are made moot.

30 Claims 10, 11, 12, 20-23 and 24 are amended to depend from now allowable amended claim 19, whereby the rejections as to these claims is believed to be overcome.

5 Claim 19 was also rejected under 35 USC § 103(a).

Claim 19 was found to be allowable if rewritten in independent form by the Examiner in a previous Office Action. Claim 19 was so rewritten in a previous response. Claim 19 is now believed to be allowable.

10 However, without comment on the previous allowability, the current Office Action rejected claim 19 under 35 USC § 103(a) over US Patent 2,807,908 to Lykes in view of US Patent 5,722,691 to Patel.

15 Lykes discloses a holding device for a reading stand composed of a large back board (main back member 1) with a protruding lip or shelf rest 2 upon which a book 63 is placed. Column 1, lines 61-63. Two elastic cords 5 are fitted across the back board 1 from top to bottom between slots 3 in the top edge of the back board 1 and slots 4 in the self 2 along the bottom edge of the board 1. Column 2, lines 22-41 and Figures 1 and 5.

20 Lykes also discloses a bar 7 that is mounted across the width of the back board 1 and the pages of the book 63 for holding the pages of the book 63 against the back board 1 so the pages lie flat or are protected from a breeze or draught that could disturb them. "The bar is placed over the front of the book, and the elastic or spring behind the main back 1." Column 2, lines 42-59 (quoting column 2, lines 50-51).

In contrast to the teaching of Lykes, the present invention as currently recited in claim 19 is a book page holder device for holding open the pages of a book. Claim 19 is amended to recite the book page holder being formed of a substantially uniformly narrow flat and rigid elongated  
25 support bar that is structured for supporting an open book thereon across to a spine of the book with two opposite covers of the book arranged adjacent to the elongated support bar, the support bar being formed with two opposing edges spaced apart across a width of the support bar, the support bar further comprising means for compacting the support bar ~~selected~~ from the group of compacting means consisting of means for telescoping a first portion of the support bar relative to  
30 a second portion thereof, and means for folding the first portion of the support bar relative to the second portion thereof, and a single resilient elastic retainer that is structured for gripping and holding pages of a book supported on the support bar with the pages retained substantially against both respective opposite covers of the open book, the single elastic retainer being structured to extend between the two spaced-apart edges and having first and second anchors provided

5 adjacent to respective first and second opposite ends thereof, the anchors being structured to secure the first and second opposite ends of the elastic retainer adjacent to the respective spaced-apart edges of the support bar.

10 In contrast to the present invention, Lykes teaches a large board (main back member 1) with a protruding lip or shelf rest 2, and requires two elastic cords 5 because the elastic cords 5 run parallel to the spine of the book, each cord 5 retaining only the pages adjacent to one of the book's two covers. Accordingly, the Lykes device requires two elastic cords 5 and two sets of slots 3 and 4, with one set of slots 3, 4 for holding the book's pages against each the of its opposite open covers.

15 The retaining means, as shown in Figures 1 and 4, consist essentially of two elements. The primary one consists of a pair of heavy elastic cords or springs which are knotted at both ends. The knotted ends 6 of each elastic cord 5 are positioned in countersunk-hole slots 4 of the support shelf 2. The thickness of the copy or reading material to be held in place will determine the particular countersunk hole in slot 4 the knots 6 will reside in. Column 2, lines 22-29.

20 To describe how the book is placed in the device, let us suppose that a student wants to study, chapters six and seven of a textbook. He turns to chapters six and eight, holding the pages comprising chapters six and seven vertically, separating them from the rest of the book. He then stretches the elastic cord 5 on the left over the pages and book cover remaining on the left side and positions knot 14 in slot 3 at the top of the main back 1.  
25 Then he repeats this action with the right cord and pages and book cover remaining on the right side. The book now is firmly held to the main back member, but the pages of chapters six and seven remain free. Column 2, lines 30-41.

30 The Examiner mistakenly contends that Lykes discloses a support member (7) having opposing edges with an elongated resilient elastic retainer extending therebetween via anchors (9). However, item 7 is not a "support member," as the Examiner contends. Rather, item 7 is a "bar" for laying over the pages of the book 63, while the elastic band 8 is stretched around the large board (main back 1) to trap the pages under the bar 7, as Lykes clearly points out as follows:

5           In many cases these free pages would be stiff, refusing to lie flat. Or a breeze or draught could disturb them. Accordingly, the secondary retaining element takes care of these aspects. This element consists of a bar 7 and a spring or elastic band 8. The ends of the spring or band are attached in any suitable fashion to the ends of the bar 7. As illustrated in the drawings, the elastic bands have knots 9 and are  
10           strung through small holes in the bar. The bar is placed over the front of the book, and the elastic or spring behind the main back 1. The bar may be adjusted anywhere up or down over the book until it is stopped in the back by the friction hinge. To turn a page, a person simply slides the bar down to the support shelf with the left hand, turns the page with the right hand and then places the bar back  
15           up again with the left hand. In this action the reader does not have to let go of the bar while turning the page, and the action is accomplished smoothly, quickly and easily. Column 2, lines 42-59. See, also, Figures 1 and 5.

          The bar 7 is thus a “secondary retaining element” that contacts the pages of the book 63, while the elastic band 8 stretches across the back of the board (main back 1) without ever even  
20           touching the book 63. As taught by Lykes, the bar 7 obstructs viewing of the book 63 because it covers the pages of the book.

          In contrast, the present invention recites a bar that is “structured for supporting an open book thereon across to a spine of the open book with two opposite covers of the book arranged adjacent to the elongated support bar,” as recited in claim 19. Therefore, in contrast to Lykes, the  
25           support bar of the invention is behind the book where it cannot obstruct viewing of the book’s open pages.

          Furthermore, the present invention recites a “single resilient elastic retainer structured for gripping and holding pages of an open book supported on the support bar with the pages retained substantially against both respective opposite covers of the open book.”

30           In contrast, the elastic band 8 disclosed by Lykes stretches across the back of the board (main back 1) without ever even touching the book 63. Therefore, the elastic band 8 of Lykes obviously is not a “resilient elastic retainer structured for gripping and holding pages of an open book supported on the support bar with the pages retained substantially against both respective opposite covers of the open book,” as presently recited in claim 19.

5 In summary, Lykes fails to disclose or suggest a substantially uniformly narrow flat and rigid elongated support bar structured for supporting an open book thereon across to a spine of the open book with two opposite covers of the book arranged adjacent to the elongated support bar, as presently recited in claim 19. Rather, Lykes requires a large rectangular board (main back 1) because the two elastic cords 5 are taught as each running parallel to the book's spine.

10 Additionally, Lykes fail to disclose or suggest a single elastic retainer that is structured for gripping and holding pages of an open book supported on the support bar with the pages retained substantially against both respective opposite covers of the open book, and the elastic retainer being structured to extend between the two spaced-apart edges of the elongated support bar, as presently recited in claim 19. Rather, Lykes requires two elastic cords 5 each holding part of the  
15 pages against one of the covers, and Lykes requires two sets of slots 3, 4 to accommodate the two elastic cords 5.

Furthermore, in contrast to the elastic retainer presently recited in claim 19 being structured to extend between the two spaced-apart edges of the elongated support bar, Lykes requires the elastic cords 5 to extend across the width of the rectangular board (main back 1)  
20 parallel to the book's spine.

The Examiner admits, and the Applicant agrees, that Lykes fails to disclose or suggest either that the support member is substantially flat, or that the support member comprises a compacting means, as recited in claim 19.

Patel fails to provide the deficiencies of Lykes. Patel fails to disclose or suggest  
25 substantially uniformly narrow flat and rigid elongated support bar structured for supporting an open book thereon across to a spine of the open book with two opposite covers of the book arranged adjacent to the elongated support bar, as presently recited in claim 19.

Patel also fail to disclose or suggest a single elastic retainer that is structured for gripping and holding pages of an open book supported on the support bar with the pages retained  
30 substantially against both respective opposite covers of the open book, and the elastic retainer being structured to extend between the two spaced-apart edges of the elongated support bar, as presently recited in claim 19.

Patel teaches a portable page holder device 10 which in an operational mode has a book 12 opened with pages 14a and 14b being held in place by adjustable holding clips 40 and 60.

5 Column 3, lines 48-53. The collapsible, portable page holder device 10 includes an elongated rectangular mounting support member 20 having slide-track channel openings 26 and 28, and a pair of adjustable holdings clips 40 and 60. One of the clips 40 is positioned on one end of the support member 20 for holding one set of the pages 14a of book 12 in place relative to one cover of the book 12; and the second clip 60 is positioned on one end of the support member 20 for  
10 holding a second set of the pages 14b of book 12 in place relative to a second cover of the book 12, as depicted in Figure 1. Column 3, lines 60-64.

Therefore, each of the clips 40, 60 taught by Patel is structured to retain only the pages 14a or 14b adjacent to one of the book's two covers. Accordingly, the Patel device requires two clips 40, 60 for holding the book's pages 14a, 14b against each the of its opposite open covers.

15 In contrast, the present invention is a single resilient elastic retainer that is structured for gripping and holding pages of a book supported on the support bar with the pages retained substantially against both respective opposite covers of the open book, as recited in claim 19.

Patel cannot be combined with Lykes to teach the single resilient elastic retainer that is structured for gripping and holding pages of a book supported on the support bar with the pages  
20 retained substantially against both respective opposite covers of the open book, as recited in claim 19. This is because the two clips 40, 60 of Patel are structured to operate like the two bands 5 of Lykes: each of the two clips or bands being structured for holding open only part of the pages against one cover of the book, while the other clip or band holds remaining pages open against the opposite cover.

25 Therefore, neither Patel nor Lykes discloses or suggests any single structure for gripping and holding pages of an open book supported on the support bar with the pages retained substantially against both respective opposite covers of the open book, as recited in claim 19. Rather, Patel and Lykes both require at least two structures for gripping and holding pages of an open book: Lykes teaches two cords 5, and Patel teaches two clips 40, 60. The bar 7 disclosed by  
30 Lykes merely adds an auxiliary structure for holding the pages open.

Furthermore, Patel fails to provide the deficiencies of Lykes as to the elongated support bar structured for supporting an open book thereon across to a spine of the open book with two opposite covers of the book arranged adjacent to the elongated support bar, as recited in claim 19.

5           The mounting support member 20 disclosed by Patel is structured to contact the pages 14a, 14b of the book 12, while the clips 40, 60 clamp the respective pages 14a, 14b to the book's opposing covers. See, Figure 1. See, also, Figure 8 (showing clips 140, 160 clamping respective pages 14a', 14b' to opposing covers of book 12').

          The mounting support member 20 disclosed by Patel contacts the pages of the book 12.  
10       Thus, like the bar 7 taught by Lykes, the mounting support member 20 disclosed by Patel obstructs viewing the pages 14a, 14b of the book 12 because it covers the pages 14a, 14b.

          In contrast, the present invention recites a bar that is "structured for supporting an open book thereon across to a spine of the open book with two opposite covers of the book arranged adjacent to the elongated support bar," as recited in claim 19. Therefore, in contrast to Lykes, the  
15       support bar of the invention is behind the book where it cannot obstruct viewing of the book's open pages.

          Patel cannot be combined with Lykes to teach the elongated support bar structured for supporting an open book thereon across to a spine of the open book with two opposite covers of the book arranged adjacent to the elongated support bar, as recited in claim 19. Rather, in  
20       contrast to the present invention, the mounting support member 20 of Patel and the bar 7 of Lykes are both arranged in contact with the pages of the respective books 12, 63 in a manner guaranteed to obstruct viewing of the book's open pages.

          Therefore, neither Patel nor Lykes discloses or suggests any support bar structured for supporting an open book thereon across to a spine of the open book with two opposite covers of  
25       the book arranged adjacent to the elongated support bar, as recited in claim 19. Rather, Patel and Lykes require both the mounting support member 20 and the bar 7 to be arranged for holding the book pages open. See, Lykes at Figure 1, and see, Patel at Figure 1.

          For at least the above reasons, claim 19 is now believed to be allowable.

30       The claims now being in form for allowance, reconsideration and allowance is respectfully requested.

          If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

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Respectfully submitted,

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